

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS

IN THE MATTER OF THE APPLICATION
OF

LOUIS CARLASCIO

TO PRACTICE PROSTHETICS
IN THE STATE OF NEW JERSEY

Administrative Action

ORDER
OF LICENSURE WITH
RESTRICTIONS

This matter was opened to the Orthotics & Prosthetics Board of Examiners ("Board") upon receipt of an Application for Licensure as an Orthotist, Prosthetist or Prosthetist-Orthotist/Grandfather Provision dated December 13, 2002.

On November 18, 2003, Respondent appeared with his counsel, Debra C. Lienhardt, Esq. from Wolf Block Brach Eichler, before the Board to discuss his qualifications under the grandfathering provision, N.J.A.C. 13:44H-3.3, for licensure. Respondent testified that he has been a certified pedorthist for fifteen to twenty years. He testified that he had been in the prosthetics business for forty years and employs eleven people full time and eleven people part-time. Respondent's certified statement in his application documents indicates that he has worked for forty to sixty hours per week at Carlascio Orthopedics, where his work included prosthetic design and evaluation, prosthetic casting,

measuring, fitting and adjusting; prosthetic manufacture; and direct patient care. He further testified that he manufactures Symes transmetatarsal prosthetics and fits custom shoes, including six to eight inch high-top shoes. Respondent confirmed that he does not practice with respect to below-knee prosthetics, upper extremity prosthetics or disk articulations; his work involves Symes, which is at the ankle. However, in order to support the prosthetic and unload the weight-bearing factor, the appliance may go above the ankle. He explained that his work concerns amputations which are below the malleoli with appliances that extend above it. Respondent, through counsel, seeks only to continue manufacturing and fitting those appliances. His counsel confirmed that "he would not turn around and do hand prosthesis or some other prosthesis." Attachments to counsel's letter dated April 12, 2007 illustrate the limited extent to which the appliances he fits extend above the ankle.

With respect to his facility, Respondent testified that it has two separate fitting rooms with parallel bars and a mirror. He further testified that his facility has two Trautman routers, a machinist vice, two drill presses, a press area, eight sewing machines, a plastic modification mirror, a small plaster modification area, a work bench, a sanding machine, four band saws, a heat gun, cast cutters and bending irons. He has one full-time facility and two satellite facilities. The Certification of Louis

Carlascio, attached to his counsel's letter dated June 14, 2007, certifies that the facility has two fitting rooms, one of which is used as an office, waiting/intake room, and a workshop. The premises consist of approximately 2000 square feet. He further certified that the facility is devoted entirely to provision of orthotic and prosthetic devices, and the premises contain a dedicated room for the proper care, treatment and dignity of clients, including a room to allow for extended and continuous ambulation.

Pursuant to the grandfathering requirements of N.J.A.C. 13:44-H3.3(a), respondent has established that he practiced for a minimum of 1750 hours per year as a prosthetist in an established prosthetic facility for at least three years prior to June 17, 2002. "Prosthetics" is defined as the science or practice of measuring, designing, constructing, assembling, fitting, adjusting or servicing "prosthetic appliances," which are defined as any artificial device that is not surgically implanted and that is used to replace external human body parts, including artificial feet and toes. See N.J.S.A. 45:12B-3; N.J.A.C. 13:44H-1.2. An "established facility" is defined as a facility that is, inter alia, primarily devoted to the provision of orthotic or prosthetic devices; provides a dedicated area for the proper care, treatment and dignity of clients and is appropriately equipped.

Respondent has demonstrated to the Board that he has satisfied the provisions of the statute, and, provided that his practice is limited as indicated below, the Board concludes that the public safety, health and welfare is appropriately protected.

IT IS, therefore, on this 20TH day of November, 2008,

ORDERED THAT:

1. Respondent is granted a limited license to practice prosthetics in the State of New Jersey, subject to the restriction that licensure is limited to treating amputations at or below the ankle with prosthetics with support at or below the knee.

2. Respondent hereby consents to the entry of an Order of automatic suspension of license, with ten (10) days notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has failed to comply with paragraph one (1) of this Order. Within ten (10) days after

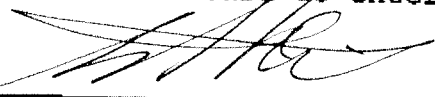
receiving notice of suspension, Respondent must notify the Board of any challenge to the suspension.

NEW JERSEY ORTHOTICS AND PROSTHETICS
BOARD OF EXAMINERS

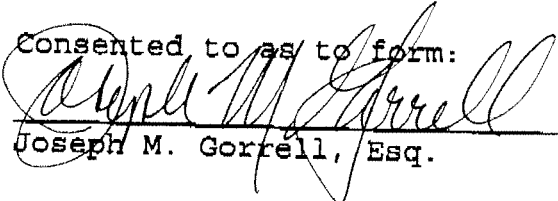
By: 

Louis G. Haberman, C.P.O.
Board Chair

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Louis A. Carlascio

Consented to as to form:


Joseph M. Gorrell, Esq.